

cc: Carol Rapski
**LAW OFFICE OF PHILIP A. JACKMAN
ATTORNEY AT LAW**

310 N. Main Street • P.O. Box 226
Galena, IL 61036-0226
Phone 815-777-3311 • Fax: 815-777-0142



December 23, 2009

Mr. Thomas Turner
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA, C-14J
77 W. Jackson Blvd.
Chicago, IL 60604-3590

Re: Jo Daviess County
Bautsch-Grey Mine Site
Our File: 4188

Dear Mr. Turner

This Office has been retained by Ms. Joan Pecina of Waukegan, Illinois to assist her in dealings with United States Environmental Protection Agency with regard to your letter of November 24, 2009.

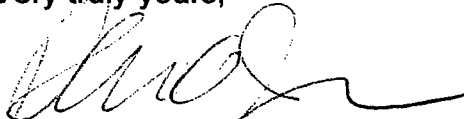
I am enclosing a copy of the letter that has prompted her to seek counsel from this office.

Please be advised that the Vincent Varsek Trust, c/o Joan Pecina has never owned or operated the Bautsch-Gray Mine at any time. A small amount of tailings from that Mine were illegally dumped upon a small portion of the Trust property without the knowledge, consent or permission of the owners. That small amount of tailings is located a substantial distance from Blackjack Road.

Ms. Pecina would be interested in reviewing the material or information upon which you base your belief that Ms. Pecina and her family members owned or operated the Bautsch-Gray Mine in the past. However, in the absence of such documentation or information, Ms. Pecina believes that she and her family would not be a potentially responsible party for the clean up of the site in question, and would have no interest in participating in or have the means to contribute toward funding the clean up of that site. However, they would appreciate having those tailings that were illegally dumped upon the Pecina property removed as part of any clean up effort.

Thank you for your attention to this situation. I look forward to hearing from you regarding the status of the Pecina property at your earliest convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Philip A. Jackman', with a long horizontal flourish extending to the right.

Philip A. Jackman

PAJ/bt

cc: Ms. Joan Pecina



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

NOV 24 2009

Bautsch-Gray Mine Site

FEDERAL EXPRESS

Vincent Varsek Trust - *should read trustee*
c/o Joan Pecina
2348 North Lewis
Waukegan, IL 60087

RE: Bautsch-Gray Mine Site
Galena, Jo Daviess County, Illinois
Confirmation of General Notice of Liability

Dear Ms. Pecina:

On November 24, 2009, an oral statement comprising the essentials of the following information was made to you [over the telephone] by On-Scene Coordinator Len Zintak, Associate Regional Counsel Thomas Turner, Enforcement Specialist Carol Ropski and Civil Investigator Joseph Kawecki:

"The U.S. Environmental Protection Agency has determined that the release or threat of release of hazardous substances, pollutants or contaminants into the environment originating from the tailings pile of the closed Bautsch-Gray Mine Site on South Blackjack Road, Jo Daviess County, Illinois has and continues to occur. The release of hazardous substances, pollutants or contaminants may present an imminent and substantial endangerment to the public health or welfare or to the environment.

U.S. EPA plans to take the following actions at 746 S. Blackjack Road to address the release or threat of release of hazardous substances, pollutants or contaminants, including lead, at the Site:

1. Install a whole house water filter to remove lead from the residential well water. The lead contamination in the water must be reduced to a concentration below 15 micrograms per liter.
2. Install temporary fencing on the property to restrict access to areas of surface soil contamination greater than 1200 parts per million (ppm). Appropriate warning signage must be posted on the temporary fencing.

3. Immediately cease any and all removal or allowed removal, or allowed access by non-regulatory agency parties, from the original tailings pile comprising the part of the Site on your property.

These actions are authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended. Under CERCLA, and other laws, responsible parties ~~may~~ be liable for all costs the Government incurs in taking response action at the Site, including investigation, planning, cleanup and enforcement costs.

No
U.S. EPA believes you are a potentially responsible party (or "PRP") at the Site because you ~~owned or operated~~ the Site at the time of disposal or release of hazardous substances at the Site. Before the Government takes the necessary response actions at the Site, it is offering you the opportunity to voluntarily perform or fund the work required to abate the release or threat of release from the Site. Under Section 104 of CERCLA, PRPs may be permitted to perform these actions if they can demonstrate their ability to do the work promptly and properly. *point to road*

Because of the conditions described earlier, U.S. EPA believes that response activities at the Site must begin as quickly as possible. Therefore, U.S. EPA does not intend to use the special notice procedures available under Section 122(e) of CERCLA.

U.S. EPA intends, at the direction of its On-Scene Coordinator, to begin the above actions in December, 2009. You must notify U.S. EPA by December 1, 2009 if you wish to perform or fund all of the above actions, or U.S. EPA will begin to take the necessary action at the Site. Please contact Thomas Turner, U.S. EPA Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604, at (312) 886-6613, fax number (312) 692-2961, to provide notice or if you have any questions. *←*

An administrative record which supports U.S. EPA's determination that these actions are appropriate can be made available for your review. Do you have any questions regarding what I have just said?" *Message*

This letter is to confirm and reiterate the above oral notice made to you by telephone. If you are a qualified small business, enclosed is a U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action. If you have any questions concerning this matter, please contact:

Thomas Turner
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

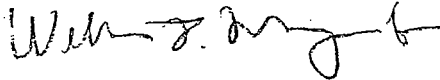
or

Len Zintak
On-Scene Coordinator
Response Section 2
U.S. EPA, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

(312) 886-6613

(312) 886-4246

Sincerely,

A handwritten signature in black ink, appearing to read 'Linda M. Nachowicz', with a stylized flourish at the end.

Linda M. Nachowicz, Chief
Emergency Response Branch #2

Enclosure

LIST OF PRPs RECEIVING LETTER CONFIRMING GENERAL NOTICE

Vincent Varsek Trust ~~ee~~
c/o Joan Pecina
2348 North Lewis
Waukegan, IL 60087

Thomas Wienan, President
Chains and Links, Inc.
144 Stone Quarry Lane
Galena, IL 61036

Lois Knautz
c/o Galena State Bank
400 South Main Street
Galena, IL 61036

? Johnson
property
should also be
responsible - it
is largest area
of tailings -
Who currently
owns this -
"County" - or

Dick Vincent
was lawyer for
the estate

Clean-up recommended
wasnt done - which would
have prevented tailings in
ditches & on road -
Is county liable? Are they
current owners of Johnson
estate property - sold at tax sale